

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 439**

**Introduced by Assembly Member Pescetti**  
**(Coauthors: Assembly Members Aanestad, Cox, Oller,**  
**Robert Pacheco, Steinberg, Thomson, and Zettel)**  
**(Coauthors: Senators Johannessen, Leslie, and Ortiz)**

February 16, 1999

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An act to amend Section 9030 of the Elections Code, relating to initiative measures.

LEGISLATIVE COUNSEL'S DIGEST

AB 439, as amended, Pescetti. Initiative petitions: costs to counties.

Existing law requires that each section of a statewide initiative petition be filed with the elections official of the county or city and county in which it was circulated. Existing law requires elections officials to perform various duties with respect to those petitions, including, among others, determining the total number of signatures affixed to the petitions, transmitting that information to the Secretary of State, and performing a random sampling technique for verification of signatures on petitions having more than 500 names signed on sections of the petitions.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State~~

~~Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would find and declare that the cost to elections officials of counties or cities and counties of performing the duties required with respect to petitions are costs mandated by the state that are required to be reimbursed pursuant to the statutory provisions providing for reimbursement of costs mandated by the state.~~

*This bill would require the state to reimburse county elections officials' costs, as specified, for verifying signatures on statewide initiative petitions, as specified, where more than 10 statewide initiative petitions are filed during a 2-year election cycle.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 9030 of the Elections Code is  
2 amended to read:

3 9030. (a) Each section of the petition shall be filed  
4 with the elections official of the county or city and county  
5 in which it was circulated, but all sections circulated in  
6 any county or city and county shall be filed at the same  
7 time. Once filed, no petition section shall be amended  
8 except by order of a court of competent jurisdiction.

9 (b) Within eight days after the filing of the petition,  
10 excluding Saturdays, Sundays, and holidays, the elections  
11 official shall determine the total number of signatures  
12 affixed to the petition and shall transmit this information  
13 to the Secretary of State. If the total number of signatures  
14 filed with all elections officials is less than 100 percent of  
15 the number of qualified voters required to find the  
16 petition sufficient, the Secretary of State shall so notify  
17 the proponents and the elections officials, and no further  
18 action shall be taken with regard to the petition.

19 (c) If the number of signatures filed with all elections  
20 officials is 100 percent or more of the number of qualified  
21 voters needed to declare the petition sufficient, the

1 Secretary of State shall immediately so notify the  
2 elections officials.

3 (d) Within 30 days after this notification, excluding  
4 Saturdays, Sundays, and holidays, the elections official  
5 shall determine the number of qualified voters who have  
6 signed the petition. If more than 500 names have been  
7 signed on sections of the petition filed with an elections  
8 official, the elections official shall use a random sampling  
9 technique for verification of signatures, as determined by  
10 the Secretary of State. The random sample of signatures  
11 to be verified shall be drawn in a manner that every  
12 signature filed with the elections official shall be given an  
13 equal opportunity to be included in the sample. The  
14 random sampling shall include an examination of at least  
15 500 or 3 percent of the signatures, whichever is greater.  
16 In determining from the records of registration what  
17 number of qualified voters have signed the petition, the  
18 elections official may use the duplicate file of affidavits of  
19 registered voters or the facsimiles of voters' signatures,  
20 provided that the method of preparing and displaying the  
21 facsimiles complies with law.

22 (e) The elections official, upon the completion of the  
23 examination, shall immediately attach to the petition,  
24 except the signatures thereto appended, a properly dated  
25 certificate, showing the result of the examination, and  
26 shall immediately transmit the petition and the  
27 certificate to the Secretary of State. A copy of this  
28 certificate shall be filed in the elections official's office.

29 (f) If the certificates received from all elections  
30 officials by the Secretary of State establish that the  
31 number of valid signatures does not equal 95 percent of  
32 the number of qualified voters needed to find the petition  
33 sufficient, the petition shall be deemed to have failed to  
34 qualify, and the Secretary of State shall immediately so  
35 notify the proponents and the elections officials.

36 (g) If the certificates received from all elections  
37 officials by the Secretary of State total more than 110  
38 percent of the number of qualified voters needed to find  
39 the petition sufficient, the petition shall be deemed to  
40 qualify as of the date of receipt by the Secretary of State

1 of certificates showing the petition to have reached the  
2 110 percent, and the Secretary of State shall immediately  
3 so notify the proponents and the elections officials.

4 ~~(h) The Legislature finds and declares that the cost to~~  
5 ~~elections officials of counties or cities and counties of~~  
6 ~~verifying signatures on state petitions pursuant to this~~  
7 ~~section are costs mandated by the state that are required~~  
8 ~~to be reimbursed by the state pursuant to Part 7~~  
9 ~~(commencing with Section 17500) of Division 4 of Title~~  
10 ~~2 of the Government Code.~~

11 *(h) The cost to elections officials of counties or cities*  
12 *and counties of verifying signatures on statewide*  
13 *initiative petitions pursuant to this section shall be*  
14 *reimbursed by the state at a minimum rate of fifty cents*  
15  *(\$.50) per signature for all state initiatives that are*  
16 *submitted to the county registrar of voters during a*  
17 *two-year election cycle, except that this reimbursement*  
18 *shall not be provided for the first 10 initiatives that are*  
19 *submitted to the registrar during each two-year election*  
20 *cycle.*

